

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By this Amendment, Claims 1 and 3-6 are amended, Claims 9 and 10 are added, and Claim 2 is canceled without prejudice to or disclaimer of the subject matter recited therein. Thus, Claims 1 and 3-10 are pending in this application. Independent Claim 1 is amended to incorporate some of the subject matter of Claim 2. Claims 3-6 are amended to be consistent with amended Claim 1. Claims 4 and 5 are further amended to clarify the recited features. Support for the amendment to Claim 5 can be found, for example, in Fig. 9 and page 9, lines 28-30 of the specification. Support for new Claims 9 and 10 can be found, for example, in Figs. 1-5 and 7-10 and page 7, lines 5-11 of the specification. The specification is amended only to correct a minor informality. No new matter is added.

Applicant appreciates Examiner Hepperle's indication that Claim 6 recites allowable subject matter, and would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicant submits that all pending claims are allowable for the reasons discussed below.

Claim 5 is amended to obviate the objection to the drawings. The depression now recited in Claim 5 is shown, for example, in Fig. 9. Thus, withdrawal of the objection is respectfully requested.

The amendment to Claim 4 obviates the rejection of Claims 4-6 under 35 U.S.C. §112, second paragraph. Thus, withdrawal of the rejection is respectfully requested.

The amendment to Claim 5 obviates the rejection of Claims 5 and 6 under 35 U.S.C. §112, first paragraph. As discussed above, the depression now recited in Claim 5 is shown, for example, in Fig. 9 and discussed in the specification on page 9, lines 28-30 of the specification. Thus, withdrawal of the rejection is respectfully requested.

Independent Claim 1 is the only independent claim under consideration. Claim 1 is directed to a valve including, *inter alia*, a drive part for driving a valve element in an axial direction, a valve body formed with a valve chamber accommodating the valve element, and a base seat. The drive part includes side faces and a pair of leg parts suspended down from the drive part in the axial direction. The pair of leg parts face each other so as to extend the side faces of the drive part. The pair of leg parts form a receiving part between the pair of leg parts for accommodating the valve body. The base seat is fixed to the leg parts in a state in which the base seat abuts against another end of the valve body in the axial direction so that the valve body is held between the base seat and the drive part.

The Official Action rejects independent Claim 1 under 35 U.S.C. §102(b) over Shelton, U.S. Patent No. 4,585,207.

Shelton discloses a gate valve 10 having a valve body 11 and connected to a valve end plate 17 via bolts 16 (see Fig. 1). The Official Action takes the position that the gate valve 10 corresponds to the claimed drive part, and that the bolts 16 are studs which correspond to the claimed leg parts. However, to the extent that it is said that the gate valve 10 includes side faces, such side faces of the gate valve 10 ("drive part") are not extended by the "studs" 16. The "studs" 16 are simply bolts that protrude into the valve body 11 of the gate valve 10, and are distinct elements from

any side faces of the gate valve 10. Thus, the "studs" 16 do not correspond to a pair of leg parts that extend the side faces of the drive part as recited in independent Claim 1. Thus, independent Claim 1 is patentable over Shelton for at least this reason. Therefore, withdrawal of the rejection is respectfully requested.

The Official Action also rejects independent Claim 1 under 35 U.S.C. §103(a) over Mullin, U.S. Patent No. 770,866, in view of Cheek, U.S. Patent No. 4,039,003.

Mullin discloses a feed pump automatic controller including an end plate (shown in Fig. 1 above valve-chamber 3) connected to a casing 2 via screws (see Fig. 1). The Official Action appears to acknowledge that neither the screws nor any other part of Mullin's controller corresponds to the claimed leg parts. The Official Action takes the position that the claimed leg parts are disclosed by Cheek, and that it would have been obvious to modify Mullin with Cheek to result in the combination of features recited in Claim 1. Applicant respectfully disagrees.

Cheek discloses a drop check valve including studs 74 which fasten the cap 68 to the main body 16 (see Fig. 1). The Official Action states that the studs 74 correspond to the claimed leg parts. However, Cheek's studs 74 are similar to the "studs" 16 of Shelton discussed above. That is, if the controller of Mullin was modified to include Cheek's studs 74, the studs 74 would simply protrude into Mullin's casing 2 to fasten the end plate (shown in Fig. 1 above valve-chamber 3) to the casing 2. The studs 74 would not extend any side faces of the casing 2. Thus, the combination of Mullin and Cheek would not have resulted in the claimed combination of features, including a pair of leg parts facing each other so as to extend side faces of the drive part, as recited in independent Claim 1. Therefore,

independent Claim 1 is patentable over the combination of Mullin and Cheek for at least this reason. Therefore, withdrawal of the rejection is respectfully requested.

The Official Action further rejects independent Claim 1 under 35 U.S.C. §103(a) over Grove et al. ("Grove"), U.S. Patent No. 2,727,530, in view of Cheek.

Grove discloses a regulator valve having a fitting 13 fastened to the device body 10 via a threaded connection 14 between the fitting 13 and the device body 10 (see Fig. 1). The Official Action acknowledges that Grove fails to disclose the claimed leg parts, but takes the position that Cheek's studs 74 correspond to the claimed leg parts and that it would have been obvious to replace the threaded connection 14 with Cheek's studs 74 to result in the combination of features recited in Claim 1. Applicant respectfully disagrees.

First, there is no reason why one skilled in the art would have replaced Grove's threaded connection 14 with Cheek's studs 74. The Official Action states that such a modification would have been obvious "to aid in alignment of the base seat during assembly, and do [sic - to] avoid distortion of the O-ring 16 during assembly" (see pages 4 and 5 of the Official Action). However, there is no evidence that aligning the fitting 13 with the device body 10 would have been difficult or that sufficient alignment is not already provided by the threaded engagement 14 between the fitting 13 and the device body 10. Further, there is no possibility of distorting the O-ring 16 during assembly because no part of the device body 10 would impact the O-ring 16 once the threads of the fitting 13 and the device body 10 begin to be fitably engaged. Thus, insufficient evidence has been presented to establish that one skilled in the art would have replaced Grove's threaded connection 14 with Cheek's studs 74. Simply because something can be modified and a person of ordinary skill

was capable of making the modification does not mean it would have been obvious to do so. Therefore, it would not have been obvious to replace Grove's threaded connection 14 with Cheek's studs 74.

Second, even if Grove's threaded connection 14 was replaced with Cheek's studs 74, the modification would not have resulted in the combination of features recited in independent Claim 1. As discussed above, the studs 74 would simply protrude into Grove's device body 10 to fasten together the fitting 13 and the device body 10. The studs 74 would not extend the side faces of the device body 10. Thus, the combination of Grove and Cheek would not have resulted in the claimed combination of features, including a pair of leg parts facing each other to extend the side faces of the drive part, as recited in independent Claim 1.

Therefore, independent Claim 1 is patentable over the combination of Grove and Cheek for at least these reasons. Therefore, withdrawal of the rejection is respectfully requested.

Claims 3-8 are patentable over the applied references at least by virtue of their dependence from patentable independent Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time.

New Claims 9 and 10 are presented for consideration. Claim 9 recites that the drive part and the pair of leg parts are comprised of the same material. Claim 10 recites that the drive part and the pair of leg parts are a single, unitary piece. None of the applied references discloses or suggests these features. Thus, these claims also are patentable over the applied references for at this reason.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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